

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

TYRESE D. HYLES,

Petitioner,

UNITED STATES OF AMERICA,

Respondent,

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No. 1:13CV143 HEA

**OPINION, MEMORANDUM AND ORDER**

Before the Court is petitioner's motion to show cause, as well as his motion for leave to proceed in forma pauperis on appeal.

After review of petitioner's motion to show cause, the Court interprets petitioner's motion as one for reconsideration of the dismissal of his Rule 60(b) motion for relief from judgment. This motion will be denied, given that this Court has no jurisdiction to grant petitioner's motion now that an appeal has been filed in this action.

Petitioner's motion to proceed in forma pauperis on appeal, however, will be granted, as it appears that petitioner does not have the requisite funds to pay the filing fee in full at this time. See 28 U.S.C. § 1915.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to proceed in forma pauperis on appeal [Doc. #23] is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's motion to show cause, which this Court interprets as a motion for reconsideration of the dismissal of petitioner's Rule 60(b) motion for relief from judgment, [Doc. #22] is **DENIED**.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

Dated this 2nd day of April, 2014.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE